

Notice of Allowability

Application No.

09/590,686

Examiner

James A. Reagan

Applicant(s)

HOSHINO, SATOSHI

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Interview Summary filed on 14 March 2006.
2. ☒ The allowed claim(s) is/are 1-8 and 11-28.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Status of Claims

1. This action is in response to the Interview Summary filed on 14 March 2006.
2. Claims 29 and 30 have been cancelled by Examiner's Amendment below.
3. Claims 1-8 and 11-28 are pending and have been examined.

Allowable Subject Matter

4. Claims 1-8 and 11-28 are allowed. See Reasons for Allowance under separate heading.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
6. Authorization for this examiner's amendment was given in a telephone interview with Andrew Taska on 13 April 2006.
7. The application has been amended as follows:
 - **Cancel claims 29 and 30.**

Reasons For Allowance

8. The following is an Examiner's statement of reasons for allowance:

None of the art of record, taken individually or combination, disclose at least the method step or system components of *said controller executes the program stored in said memory to...determine that said system is operated by a certified operator only when said medium verification device verifies that said first recording medium is a certified medium, and all three of the data on physical characteristics of an operator obtained by said physical characteristic data obtaining unit, the data regarding the physical, characteristics of an operator which said data reader has read from said first recording medium, and the data on the physical characteristics stored in said third storage unit, correspond to one another...More specifically, the prior art of record fails to disclose.*

Independent claims 1, 16, 19, and 27 are distinguished over the closest prior art of the combination consisting of Lang, Bosen, Whytock, and Fukuzaki. As recited in Independent claims 1, 16, 19, and 27, it is clear that the Applicant's invention is distinguished over the Lang, Bosen, Whytock, and Fukuzaki combination because none of Lang, Bosen, Whytock, and Fukuzaki nor any combination thereof, teaches or suggests the feature of determining that a system is operated by a certified operator only when a medium verification device verifies that a first recording medium is a certified medium, and all three of (1) the data on physical characteristics of an operator obtained by a physical characteristic data obtaining unit, (2) the data regarding the physical, characteristics of an operator which a data reader has read from said first recording medium, and (3) the data on the physical characteristics stored in said third storage unit, corresponding to one another, as recited in claim 1.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Foon et al. "Bio-Discretization..." (17th Australian Joint Conference on Artificial Intelligence 2004) discloses the use of biometrics for secure authentication.

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 [Official communications, After Final communications labeled "Box AF"]

571-273-8300 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

JAMES A. REAGAN

Primary Examiner

Art Unit 3621

JAMES A. REAGAN
PRIMARY EXAMINER

